

AGENDA

Planning Commission Meeting Monday June 28, 2021 7:00 pm Gardner City Hall 120 E. Main Street

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

Standing approval of the minutes as written for the meeting on May 24, 2021

REGULAR AGENDA

1. Burger King

Located on Lot 3A of Plaza South, and more particularly on the east side of Gardner Road approximately 500' north of 188th Street.

a. **FDP-21-04:** Consider a final development plan for Burger King Restaurant located on lot 3A of Plaza South.

2. Aspen Creek

Located at the terminus of 186th Street and Canton Street approximately 2000' east of Gardner Road.

a. **FDP-21-05**: Consider a final development plan for Aspen Creek residential development.

DISCUSSION ITEMS

ADJOURNMENT



PLANNING COMMISSION STAFF REPORT REGULAR AGENDA ITEM No. 1

MEETING DATE: JUNE 28, 2021

PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: FDP-21-04 Burger King

PROCESS INFORMATION

Type of Request: Final Development Plan

Date Received: May 3, 2021

APPLICATION INFORMATION

Applicant: Net Lease Development LLC – Mark Huonder **Owner:** Plaza South Developers, LLC – Tom VanKeirsbilck

Parcel ID: CP73560000 0003

Location: Lot 3A of Plaza South, and more particularly on the east side of Gardner Road

approximately 500' north of 188th Street.

REQUESTED ACTION

The applicant is requesting approval of a final development plan for a restaurant.

EXISTING ZONING AND LAND USE

The property is currently zoned ACP-2 (Activity Center Planned General Business) District and is undeveloped.

SURROUNDING ZONING AND LAND USE

SURROUNDING ZONING AND LAND USE		
<u>Zoning</u>	<u>Use(s)</u>	
North of subject property		
ACP-2 (Activity Center Planned General Business) District	Vacant Property	
East of subject property		
ACP-2 (Activity Center Planned General Business) District	Vacant Property	
South of subject property		
ACP-2 (Activity Center Planned General Business) District	Vacant Property	
West of subject property		
CP-2 (Planned General Business) District	Commercial Property – Orscheln's Farm & Home Store	

EXISTING CONDITIONS

The lots are currently undeveloped and have been used for agricultural purposes. Existing utility infrastructure including sanitary sewer and electric are located adjacent to the parcel. Currently this lot has access to Vivian Street an internal private road within the Plaza South commercial





development. There appears to be no floodplain on the property, although there are some areas designated for potential flooding to the east.



BACKGROUND / HISTORY

This property is part of the Plaza South preliminary development plan and preliminary plat, approved in March, 2019. The final development plan is consistent with the preliminary development plan.

The rezoning and associated preliminary development plan (PDP-19-02, and PP-09-03) were recommended for approval by the Planning Commission at their March 26, 2019 meeting. The Governing Body considered the rezoning and preliminary development plan applications at their April 15, 2019 meeting, and approved Ordinance 2612 rezoning the property from C-2 (General Business) District to ACP-2 (Activity Center Planned General Business) District and approving the associated preliminary development plan subject to the following conditions:

- 1. The trail along W. 188th Street shall be constructed of concrete.
- The applicant shall provide for a common area maintenance agreement or property maintenance agreement for all common areas at time of the first final development plan/final plat applications, including the infrastructure within all access and sidewalk easements.
- 3. All easements shall be approved prior to approval of any final development plan.
- 4. The stormwater plan and traffic study shall be approved prior to approval of any final development plan.



5. Lots 5, 6, 7, 8 and 9 – To better meet the intent of the required building frontage within this development context, shall include an acceptable vertical element along at least 35% of the front building line, either via a building, plantings, or an ornamental wall or fence complimenting the design of the buildings.

These conditions have all been met.

The Preliminary plat (PP-19-03) was approved by the Planning Commission on March 26, 2019, subject to the following condition:

1. Approval of the Traffic Impact Study and Stormwater Management Plan by City of Gardner Public Works Department.

Conditions have been met.

The Final Plat (FP-19-04) was approved by the Planning Commission on October 22, 2019, with the following conditions:

- 1. Approval of the final Traffic Impact Study and Stormwater Management Plan;
- 2. Prior to the Mayor signing an approved recordable plat, the applicable excise tax shall be paid to the City;
- 3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.

Conditions have been met.

The Governing Body accepted the dedication of right-of-way and easements on November 18, 2019.

CONSISTENCY WITH COMPREHENSIVE PLAN

The City of Gardner Comprehensive Plan and the I-35 & Gardner Road Interchange Subarea Plan identifies the properties for Regional Commercial future land uses. This use group provides for goods and services that may attract users from the greater metropolitan area. These uses are generally on larger parcels and are best located near interstates and major arterial roads. This site is within a half mile of the I-35 and Gardner Road interchange and along S. Gardner Road which is an arterial street. 188th Street is a proposed collector street to be extended to the east with this plat. The proposed use, Small Commercial Assembly – large, is for a regional church that is consistent with the Comprehensive Plan.

The proposed development is also consistent with the Comprehensive Plan as follows:

- Commercial area objective to promote commercial growth at the I-35 interchanges to provide neighborhood and regional commercial areas with a diverse range of retail and commercial uses and services.
- Open Space Recreation & Environmental Features objective to increase public bicycle and pedestrian access to community facilities through connections to the local trail system.
- Commercial Areas Plan for Regional Commercial to site buildings to create internal "streets" that are attractive and comfortable for pedestrians and integrate public amenities such as trails.

STAFF ANALYSIS - FINAL DEVELOPMENT PLAN

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. If a standard is not presented, it has been met. Standards

GARDNER PLANNING COMMISSION FDP-21-04 Burger King June 28, 2021 Page 4



not met will be addressed in conditions of approval at the end of this report. A full analysis to all applicable regulations is available on request.

This application is being reviewed per the Planned Development process of Section 17.03.040 of the LDC, and specifically Section 17.06.040 Activity Center Planned District. The uses for this district are based on the typically applicable base zoning district (C-2) associated with the Comprehensive Plan Future Land Use category for the site (Regional Commercial).

17.03.040 (F) Review Criteria:

 In general, any final development plan in compliance with all requirements of this Code shall be approved.

Staff Comment: The final development plan is generally in compliance to the Code with the exception of the approved deviations from the preliminary development plan and recommended conditions of approval as follows:

- Substitute deciduous trees for the northern-most trees adjacent to the deferred parking, and space along the perimeter of the parking lot.
- Provide a direct, continuous sidewalk from the Church to the deferred parking lot.
- 2. In making a determination of compliance, or for final development plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
 - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

Staff Comment: The final development plan is generally consistent with the preliminary development plan. Items such as building standards and landscaping requirements are reviewed under the current Land Development Code (LDC). This plan has met all of the applicable standards with the exception of the landscape plans. The applicant will need to correct the calculations as provided on the landscape plans and will be a condition of approval for the final development plans.

b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.

Staff Comment: The design and arrangement of the building and open spaces is consistent with good design, principles and practices. The site includes features and amenities that establish a built relationship with adjacent sites and the public realm.

c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.

Staff Comment: The building design and size is appropriate with the size of the lot and its close proximity to the interstate. The elements are proportional to the building and create a unique structure within this side of the community. Materials include decorative siding and a mix of metal and natural materials.

d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.

Staff Comment: The overall design is compatible to the context of the surrounding properties as discussed above.



e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.

Staff Comment: Additional landscape is required along the Gardner Road frontage to address the deviation request. A decorative pedestrian walkway from the parking lot to the building entrance is required to address the deviation request for a reduction in depth of the building frontage planting bed. Other than these conditions, no additional site specific conditions are necessary.

The application meets the criteria for all other reviews needed to build the project as proposed.

Staff Comment: The applicant has met all other review requirements. An Administrative Plat will need to be recorded prior to the release of a building permit for this site. This will be a condition of approval.

• The recommendations of professional staff.

Staff Comment: Staff recommends approval of the final development plan for Burger King to be located on the east side of Gardner Road approximately 500' north of 188th Street with the conditions outlined in the recommendation section of this staff report.

 The final development plan is in substantial compliance with the approved preliminary development plan.

Staff Comment: The final development plan is in substantial compliance with the approved preliminary development plan.

DEVIATION REQUEST

The standards outlined below indicate standards from the Land Development Code that are not met. The planned district allows for departures from the standards associated with all zoning districts provided they are based upon a comprehensive and well-integrated development plan for the area. Also included is the applicant's justification for such deviation.

Chapter 17.07 BUILDING STANDARDS
Section 17.07.040 Specific Building Type Standards; Small Commercial/Pad Site

Standard:

Transparency at street level = 50% - 80%

Proposed: 42% Transparency facing 187th Street (Southern façade)

Applicant Response: The "Front Elevation", which faces the public street and is the most visible to traffic, features 80% transparent elements. In addition, there are more windows above this height threshold, which further increases the amount of glass on that side. On the Main Entrance Elevation, the floor plan features two bathrooms, a cooler/freezer, a crew area and dry storage behind the exterior wall. These items are necessary and unsightly, and warrant screening from public view. Finally, the applicant and the operator believe in the aesthetic value of the proposed building. During the public hearing, the applicant shall provide examples of the building in the field.

Staff Comment: The applicant has agreed to enhance the frontage of the property with additional landscaping and a decorative walkway from the public trail to the main entrance. Staff is supportive of this deviation.



Chapter 17.08 SITE AND LANDSCAPE STANDARDS Section 17.08.030 Landscape Design

Standard:

Except for buildings permitted within 10' of ROW, foundation planting areas shall exist along at least 25% of street facing facades and be at least 8'deep.

Proposed: Plant additional shrubs along the east façade facing Gardner Road. Only 4 shrubs were required, will plant 24 shrubs in a landscape bed of 4' wide.

Staff Comment: Staff recommends approval of the deviation request as we believe the request is an "equal or better" solution.

STAFF ANALYSIS - INFRASTRUCTURE / OTHER

UTILITIES

Electric will be extended onto the site from Gardner Road and will be looped back into the Plaza South development through a private street. The sanitary sewer is connected from the existing sewer main located along the north side of 188th Street. Water lines are connecting both from an existing main off of 188th Street and will be looped around the building. Stormwater facilities for the restaurant are located along the west side of the site. Utilities are adequately provided for with this project. Public improvement plans will need to be approved before building permits are issued. *This is a condition of approval.*

ROADWAY NETWORK AND VEHICULAR ACCESS

Access to the site is by way of a private internal access road that connects to both Gardner Road and 188th Street.

SIDEWALKS

A 10' wide trail will be provided along the east side of Gardner Road. 5' sidewalks are provided from the parking lots and extending around the building. A connecting 5' sidewalk will be provided to the commercial development to the west of this site.

FIRE

Private fire hydrants will be placed around the building.

ATTACHMENTS

- Final Development Plan
- II. Building Elevations
- III. Landscape Plan

RECOMMENDATION

Staff recommends approval of final development plan FDP-21-04 for Burger King in the Recommended Motion below.

GARDNER PLANNING COMMISSION FDP-21-04 Burger King June 28, 2021 Page 7



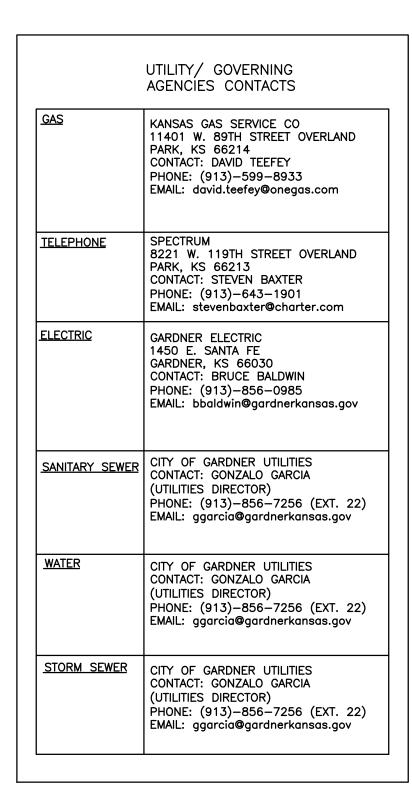
Recommended Motion:

After review of Application FDP-21-04, a final development plan for Burger King, dated May 3, 2021, and staff report dated June 28, 2021, the Planning Commission approves the application provided the following conditions are met:

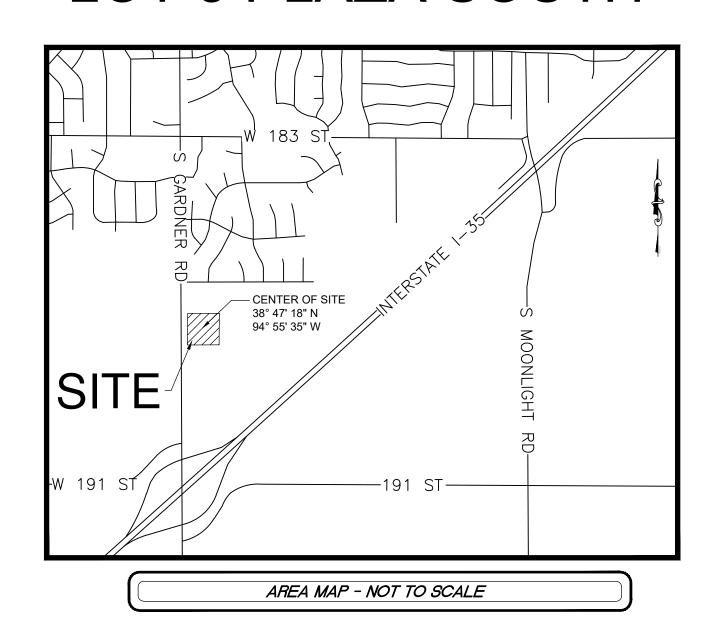
- 1. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit;
- 2. The Administrative Plat AP-21-09 shall be recorded with the Johnson County Records and Tax Administration prior to the issuance of a building permit.

PROPOSED BURGER KING

SOUTH GARDNER ROAD
GARDNER, JOHNSON COUNTY, KANSAS 66030



LOT 3 PLAZA SOUTH



SHEET INDEX	
SHEET TITLE	SHEET NUMBER
COVER SHEET	CS-1
ALTA/NSPS LAND TITLE SURVEY*	ALTA
GRADING PLAN	GR-1
SITE PLAN	SP-1
UTILITY PLAN	UT-1
LANDSCAPE PLAN	LP-1
AUTOTURN (SU-30)	AT-1
AUTOTURN (BURGER KING TRUCK WB-50)	AT-2

NOTE: * INDICATES PLANS PREPARED BY OTHERS

APPLICANT

NET LEASE DEVELOPMENT, LLC
PO BOX 100843
FORT WORTH, TEXAS 76185
CONTACT: MARK HUONDER
PHONE: (615)-357-5723
EMAIL: mh@netleasedev.com

CIVIL/SITE ENGINEER
BFA, INC.
103 ELM STREET
WASHINGTON, MISSOURI 63090
CONTACT: JOHN SCHEBAUM
PHONE: (636) 231-4337
EMAIL: jschebaum@bfaeng.com

FRANZ ARCHITECTS
4055 INTERNATIONAL PLAZA
SUITE 100
FORT WORTH, TEXAS 76109
CONTACT: AVI KAIKOV
PHONE: (817) 737-9922
EMAIL: akaikov@franzarchitects.cor

Three working days prior to the start of any excavation on this site the Contractor shall contact 1-800-344-7233 for utility location information.

The contractor shall verify and implement all the required Federal Occupational Safety and Health Administration (OSHA) and/or OSHA approved state—plan regulations established for the type of construction required by these plans.

TELEPHONE: (636) 239-475

PRELIMINARY DRAWING

FOR REVIEW PURPOSES ONLY NOT TO BE USED FOR CONSTRUCTION

BFA
Engineering Surveying

103 ELM STREET

WASHINGTON, MISSOURI 63090

RDNER, KANSAS
Lease Development, LLC

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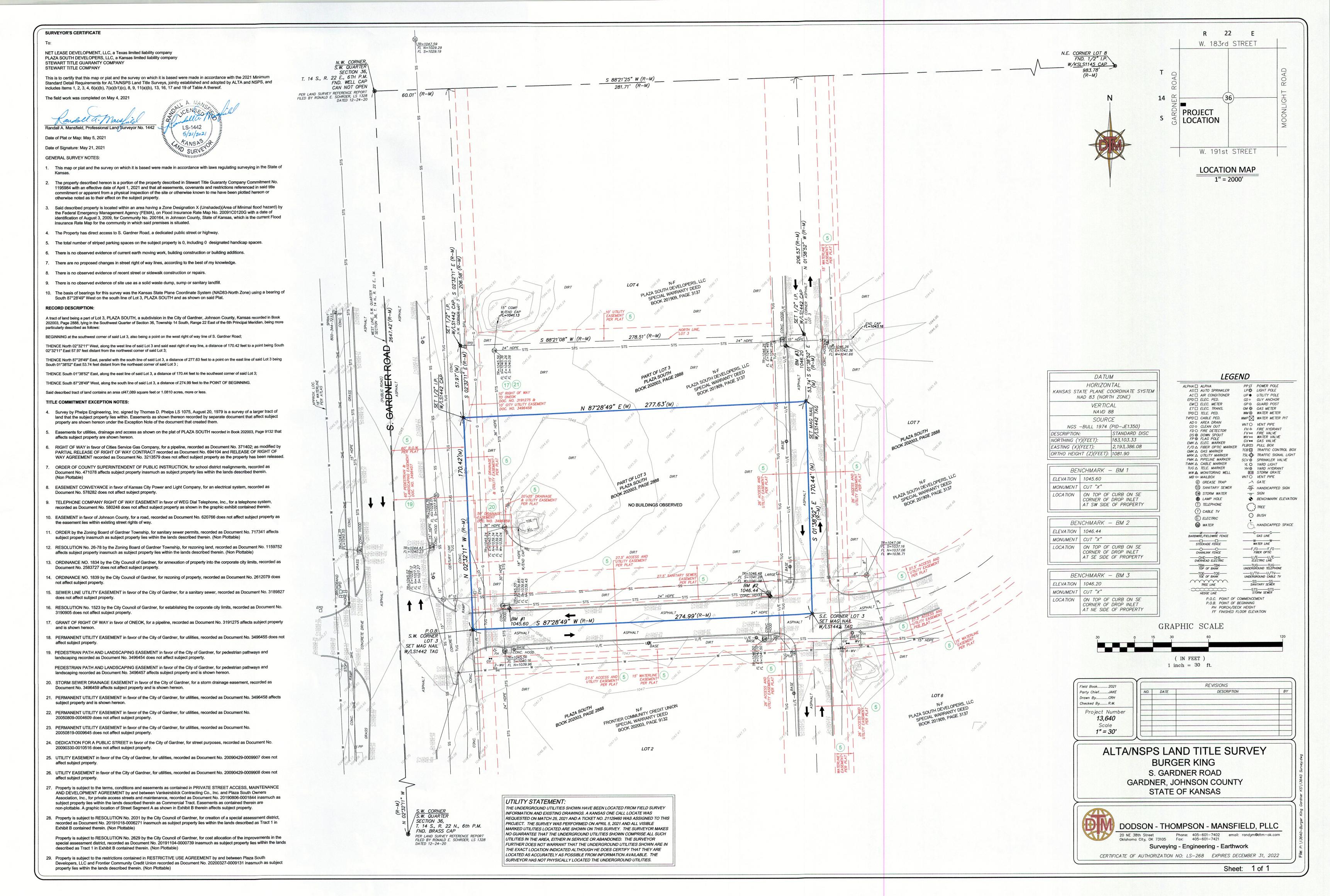
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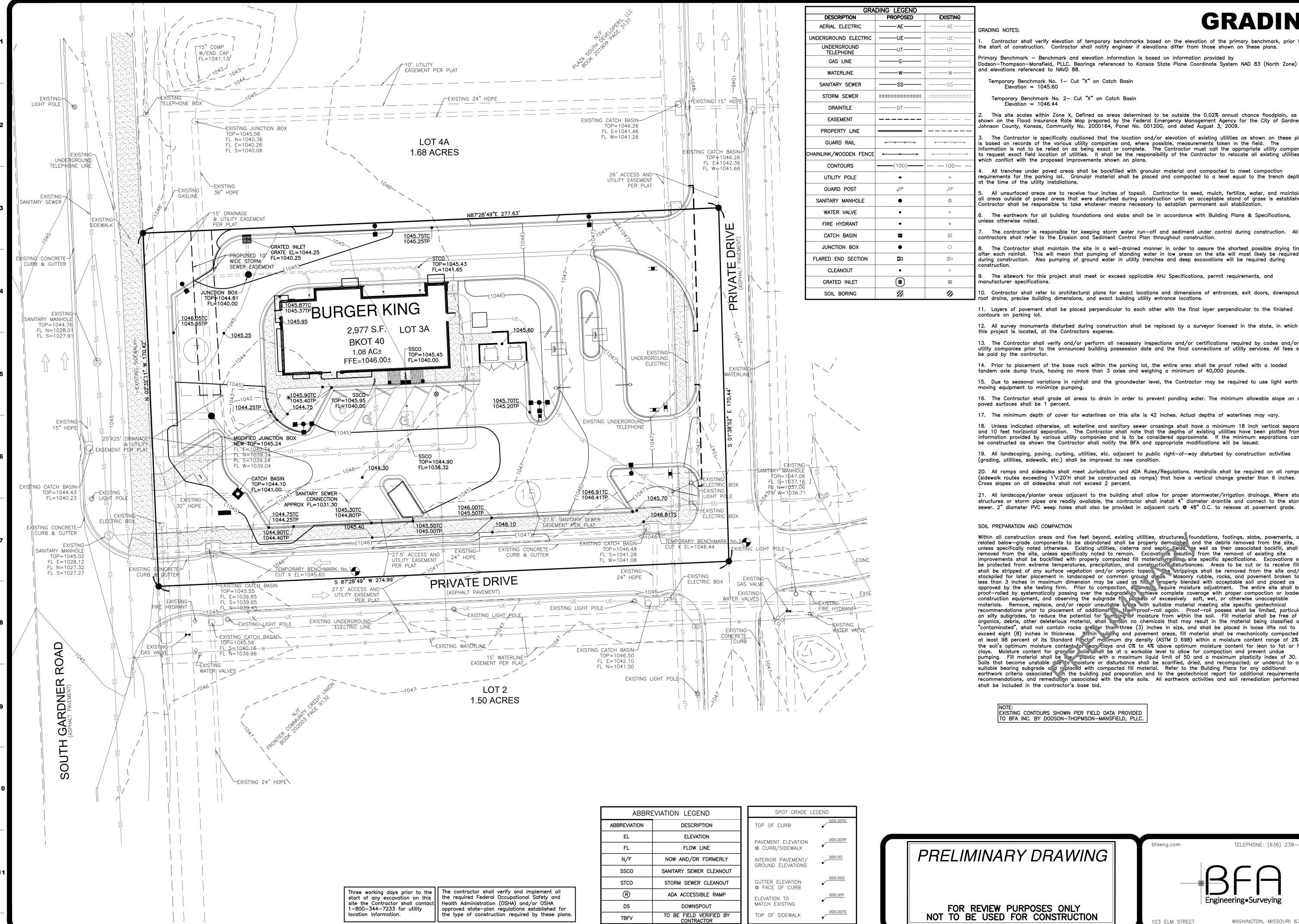
CS-1

ault\6637 Gardner KS Tasty King\6637 Pla 2021 8:30 AM CAUTION—NOTICE TO CONTRACTOR REGARDING EXISTING UTILITIES

THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE PERFORMING ANY CONSTRUCTION ACTIVITIES TO REQUEST FIELD LOCATIONS OF THEIR UTILITIES. THE CONTRACTOR MUST BE AWARE THAT SOME EXISTING UTILITIES, SUCH AS UNDERGROUND ELECTRIC LINES SERVING PARKING LOT LIGHTING, STORM SEWER LINES, CABLES FOR SECURITY CAMERAS, ETC. MAY NOT BE LOCATED BY LOCAL OR STATE UTILITY COMPANIES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MAKE NECESSARY ACCOMMODATIONS TO ACCURATELY LOCATE ALL EXISTING UTILITIES.

ALL EXISTING UTILITIES SERVING THIS PROJECT SITE, THIS PROPERTY, OR ADJACENT DEVELOPMENTS SHALL REMAIN IN PLACE AND OPERATIONAL ALL TIMES DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE EXISTING UTILITIES WHEN NECESSARY TO FACILITATE THE REQUIRED IMPROVEMENTS SHOWN BY THESE PLANS. THE CONTRACTOR MUST COORDINATE ANY RELOCATIONS OR MODIFICATIONS TO THE EXISTING UTILITIES WITH THE APPROPRIATE UTILITY COMPANY, THE EXISTING FACILITIES MANAGER AND BURGER KING'S CONSTRUCTION MANAGER.





GRADING PLAN

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Contractor shall verify elevation of temporary benchmarks based on the elevation of the primary benchmark, prior to

Primary Benchmark — Benchmark and elevation information is based on information provided by

. This site scales within Zone X, Defined as areas determined to be outside the 0.02% annual chance floodplain, as shown on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City of Gardner,

The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans s based on records of the various utility companies and, where possible, measurements taken in the field. The nformation is not to be relied on as being exact or complete. The Contractor must call the appropriate utility company to request exact field location of utilities. It shall be the responsibility of the Contractor to relocate all existing utilities

All trenches under paved areas shall be backfilled with granular material and compacted to meet compaction requirements for the parking lot. Granular material shall be placed and compacted to a level equal to the trench depth

. All unsurfaced areas are to receive four inches of topsoil. Contractor to seed, mulch, fertilize, water, and maintain all areas outside of paved areas that were disturbed during construction until an acceptable stand of grass is established. Contractor shall be responsible to take whatever means necessary to establish permanent soil stabilization.

i. The earthwork for all building foundations and slabs shall be in accordance with Building Plans & Specifications,

. The contractor is responsible for keeping storm water run-off and sediment under control during construction. All contractors shall refer to the Erosion and Sediment Control Plan throughout construction.

. The Contractor shall maintain the site in a well—drained manner in order to assure the shortest possible drying time after each rainfall. This will mean that pumping of standing water in low areas on the site will most likely be required

). The sitework for this project shall meet or exceed applicable AHJ Specifications, permit requirements, and

10. Contractor shall refer to architectural plans for exact locations and dimensions of entrances, exit doors, downspouts, roof drains, precise building dimensions, and exact building utility entrance locations.

11. Layers of pavement shall be placed perpendicular to each other with the final layer perpendicular to the finished

12. All survey monuments disturbed during construction shall be replaced by a surveyor licensed in the state, in which

13. The Contractor shall verify and/or perform all necessary inspections and/or certifications required by codes and/or utility companies prior to the announced building possession date and the final connections of utility services. All fees shall

14. Prior to placement of the base rock within the parking lot, the entire area shall be proof rolled with a loaded tandem axle dump truck, having no more than 3 axles and weighing a minimum of 40,000 pounds.

15. Due to seasonal variations in rainfall and the groundwater level, the Contractor may be required to use light earth

16. The Contractor shall grade all areas to drain in order to prevent ponding water. The minimum allowable slope on all

18. Unless indicated otherwise, all waterline and sanitary sewer crossings shall have a minimum 18 inch vertical separation and 10 feet horizontal separation. The Contractor shall note that the depths of existing utilities have been plotted from information provided by various utility companies and is to be considered approximate. If the minimum separations cannot be constructed as shown the Contractor shall notify the BFA and appropriate modifications will be issued.

20. All ramps and sidewalks shall meet Jurisdiction and ADA Rules/Regulations. Handrails shall be required on all ramps (sidewalk routes exceeding 1'V:20'H shall be constructed as ramps) that have a vertical change greater than 6 inches.

21. All landscape/planter areas adjacent to the building shall allow for proper stormwater/irrigation drainage. Where storm structures or storm pipes are readily available, the contractor shall install 4" diameter draintile and connect to the storm sewer. 2" diameter PVC weep holes shall also be provided in adjacent curb @ 48" O.C. to release at pavement grade.

Within all construction areas and five feet beyond, existing utilities, structures, foundations, footings, slabs, pavements, and related below—grade components to be abandoned shall be properly demolished and the debris removed from the site, related below-grade components to be abandoned shall be properly demoished, and the debris removed from the site, unless specifically noted otherwise. Existing utilities, cisterns and septic fields, as well as their associated backfill, shall be removed from the site, unless specifically noted to remain. Excavatic is esulting from the removal of existing site improvements shall be backfilled with properly compacted fill material, more is specific specifications. Excavations shall be protected from extreme temperatures, precipitation, and construction, disturbances. Areas to be cut or to receive fill shall be stripped of any surface vegetation and/or organic topso. The strippings shall be removed from the site and/or stockpiled for later placement in landscaped or common ground a reas. Masonry rubble, rocks, and pavement broken to less than 3 inches in maximum dimension may be used as fill, if properly blended with acceptable soil and placed as approved by the site testing firm. Prior to compaction, some require moisture adjustment. The entire site shall be proof-rolled by systematically passing over the subgrade to chieve complete coverage with proper compaction or loaded construction equipment, and observing the subgrade to chieve complete coverage with proper compaction or loaded construction equipment, and observing the subgrade to chieve complete coverage with proper compaction or loaded constructions prior to placement of additional of the proof-roll again. Proof-roll passes shall be limited, particularly on silty subgrades, to reduce the potential for uming of moisture from within the soil. Fill material shall be free of organics, debris, other deleterious material, shall enter in no chemicals that may result in the material being classified as "contaminated", shall not contain rocks gree ter than three (3) inches in size, and shall be placed in loose lifts not to exceed eight (8) inches in thickness. Within will ring and pavement areas, fill material shall be mechanically compacted to at least 98 percent unless specifically noted otherwise. Existing utilities, cisterns and septic fields, as well as their associated backfill, shall be

TELEPHONE: (636) 239-475



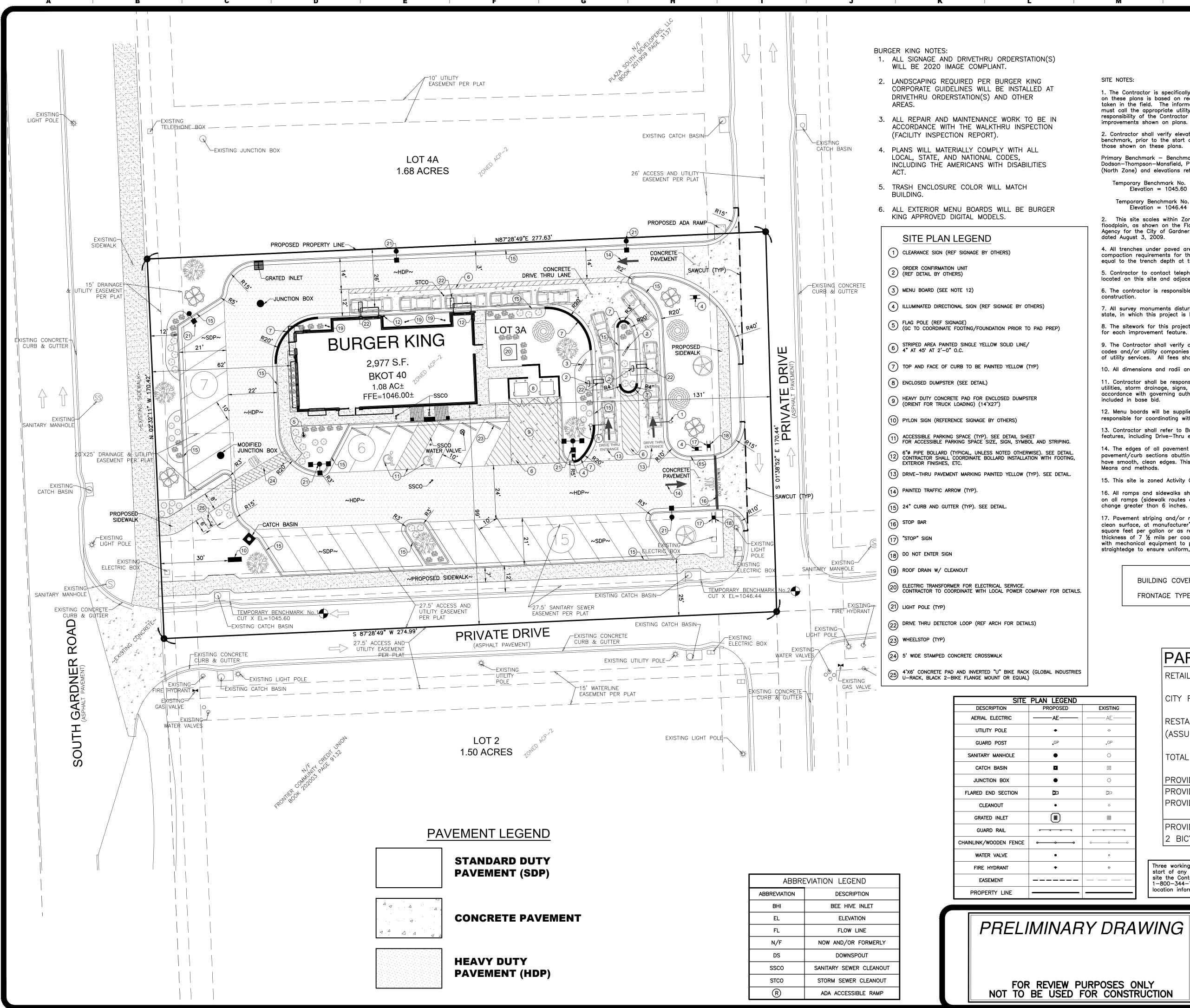
WASHINGTON, MISSOURI 63090

06/09/21 SCALE 1"=20' JOB No. 6637 SHEET NAME GRADING PLAN

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1. The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The Contractor must call the appropriate utility company to request exact field location of utilities. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on plans.

2. Contractor shall verify elevation of temporary benchmarks based on the elevation of the primary benchmark, prior to the start of construction. Contractor shall notify engineer if elevations differ from

Primary Benchmark - Benchmark and elevation information is based on information provided by Dodson-Thompson-Mansfield, PLLC. Bearings referenced to Kansas State Plane Coordinate System NAD 83 (North Zone) and elevations referenced to NAVD 88.

Temporary Benchmark No. 1— Cut "X" on Catch Basin

Temporary Benchmark No. 2- Cut "X" on Catch Basin

2. This site scales within Zone X, Defined as areas determined to be outside the 0.02% annual chance floodplain, as shown on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City of Gardner, Johnson County, Kansas, Community No. 2000164, Panel No. 00120G,

4. All trenches under paved areas shall be backfilled with granular material and compacted to meet compaction requirements for the parking lot. Granular material shall be placed and compacted to a level equal to the trench depth at the time of the utility installations.

5. Contractor to contact telephone, electric, gas, and water companies to have underground utilities located on this site and adjacent to this site prior to doing any excavating.

6. The contractor is responsible for keeping storm water run-off and sedimentation under control during

7. All survey monuments disturbed during construction shall be replaced by a surveyor licensed in the state, in which this project is located, at the contractors expense.

8. The sitework for this project shall meet or exceed industry standards and manufacturers specifications for each improvement feature.

9. The Contractor shall verify and/or perform all necessary inspections and/or certifications required by codes and/or utility companies prior to the announced building possession date and the final connections of utility services. All fees shall be paid by the Contractor.

10. All dimensions and radii are to the face of curb, unless otherwise shown.

11. Contractor shall be responsible for all removals of and/or relocations, including but not limited to, utilities, storm drainage, signs, traffic signals and poles, etc as required. All work shall be done in accordance with governing authorities specifications and shall be approved by such. All costs shall be

12. Menu boards will be supplied by the owner and installed by the Contractor. Contractor shall be responsible for coordinating with LSI Graphic Solutions, (859) 342-2273 or 1-800-546-1513.

13. Contractor shall refer to Building Plans prepared by Architect for all building items and related site features, including Drive—Thru equipment.

14. The edges of all pavement and curb sections to be removed and/or that will have new pavement/curb sections abutting them, shall be sawcut. Remaining pavement and curb sections shall have smooth, clean edges. This means additional sawcuts may be necessary depending on Contractor's

15. This site is zoned Activity Center Planned District (ACP-2) per the City of Gardner, KS.

16. All ramps and sidewalks shall meet Jurisdiction and ADA Rules/Regulations. Handrails shall be required on all ramps (sidewalk routes exceeding 1'V:20'H shall be constructed as ramps) that have a vertical change greater than 6 inches. Cross slopes on all sidewalks shall not exceed 2 percent.

17. Pavement striping and/or markings shall be applied using two coats of the color specified on a clean surface, at manufacturer's recommended rate, without addition of thinner, with maximum of 100 square feet per gallon or as required to provide a minimum wet film thickness of 15 mils and dry film thickness of 7 ½ mils per coat. Paint shall be applied for a total dry film thickness of 15 mils. Apply with mechanical equipment to produce uniform straight edges. At sidewalk curbs and crosswalks, use straightedge to ensure uniform, clean, and straight stripe.

SITE DATA

BUILDING COVERAGE: 2,977 SF / 47,089 SF = 6.3%

FRONTAGE TYPE: (PER PRELIMINARY SITE PLAN) = BUFFER EDGE

PARKING DATA

RETAIL: PROPOSED BUILDING

CITY REQUIRED PARKING:

RESTAURANT: 1 SPACE PER 3 SEATS (ASSUME 60 SEATS)

TOTAL REQUIRED:

20 SPACES

2,977 S.F.

PROVIDED STANDARD SPACES 26 SPACES PROVIDED H.C. ACCESSIBLE SPACES 2 SPACES PROVIDED TOTAL PARKING 28 SPACES

PROVIDED OVERALL PARKING RATIO: 9.41/1,000 S.F. 2 BICYCLE SPACES PROVIDED

Three working days prior to the start of any excavation on this site the Contractor shall contac 1-800-344-7233 for utility location information.

The contractor shall verify and implement all the required Federal Occupational Safety and Health Administration (OSHA) and/or OSHA approved state-plan regulations established for the type of construction required by these plans

TELEPHONE: (636) 239-475

PRELIMINARY DRAWING

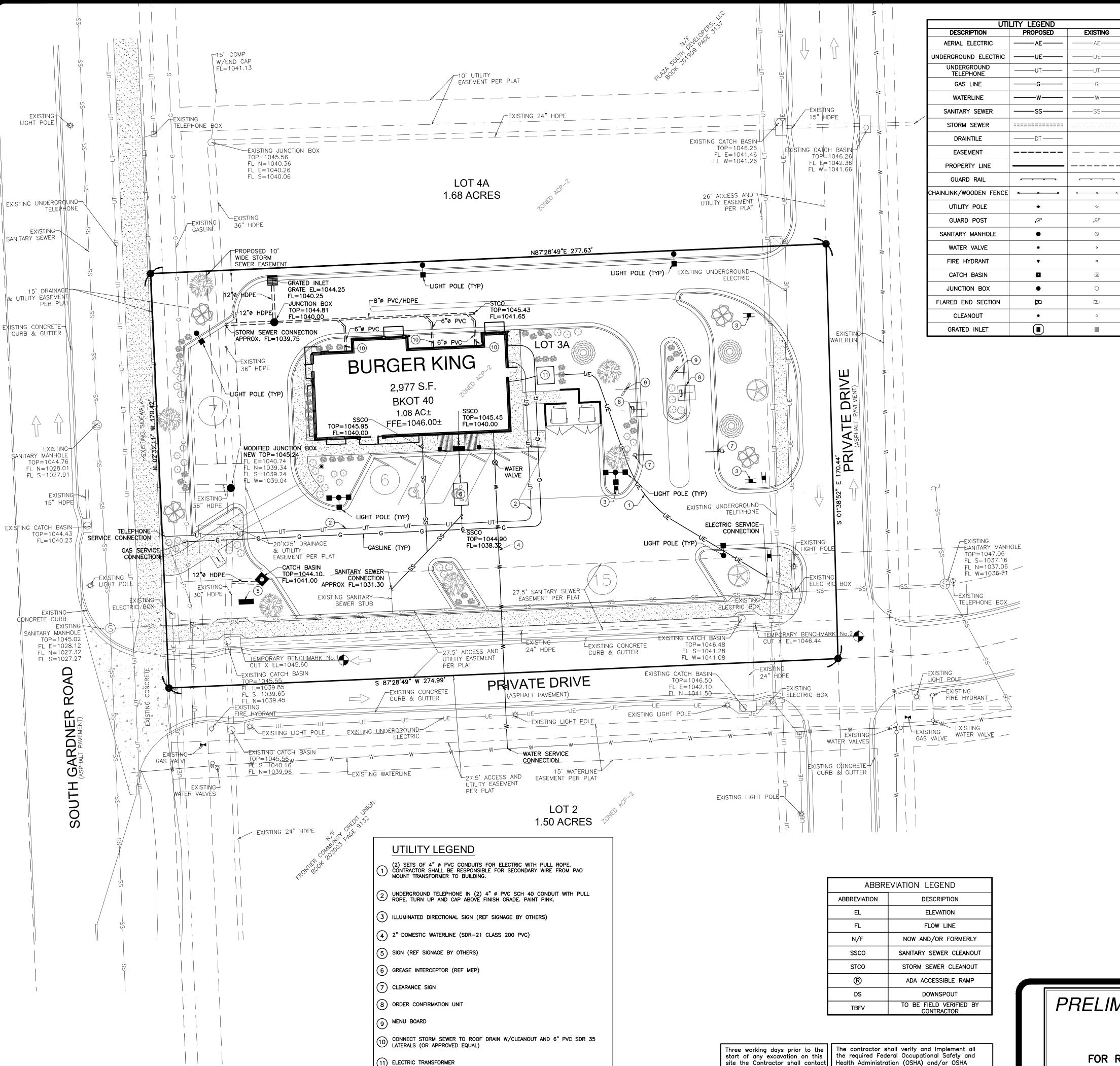
103 ELM STREET

WASHINGTON, MISSOURI 63090

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R.G.R. DATE 06/09/21 SCALE 1"=20' JOB No.

6637 SHEET NAME SITE PLAN



site the Contractor shall contact

approved state-plan regulations established for

the type of construction required by these plans.

1-800-344-7233 for utility

location information.

UTILITY PLAN

UTILITY NOTES:

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1. The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The Contractor must call the appropriate utility company to request exact field location of utilities. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on plans.

2. Contractor shall verify elevation of temporary benchmarks based on the elevation of the primary benchmark, prior to the start of construction. Contractor shall notify engineer if elevations differ from those shown on these

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Temporary Benchmark No. 1- Cut "X" on Catch Basin Elevation = 1045.60

Elevation = 1046.44

Temporary Benchmark No. 2- Cut "X" on Catch Basin

3. This site scales within Zone X, Defines as areas determined to be outside the .02% annual chance floodplain, as shown on the flood insurance rate map prepared by the Federal Emergency Management Agency for the city of Gardner, Johnson County, Kansas, Community No. 2000164, Panel No. 00120 G, and dated August 3, 2009.

4. All trenches under paved areas shall be backfilled with granular material and compacted to meet compaction requirements for the parking lot. Granular material shall be placed and compacted to a level equal to the trench depth at the time of the utility installation.

5. Contractor to contact telephone, electric, gas, cable, and water companies to have underground utilities located on this site and adjacent to this site prior to doing any excavating.

6. The Contractor is responsible for keeping storm water run—off and sediment under control during construction. All contractors shall refer to Erosion and Sediment Control Plans throughout construction.

7. All survey monuments disturbed during construction shall be replaced at the Contractors expense, by a surveyor licensed in the state in which this project is located, at the Contractors expense.

8. The Contractor shall verify and/or perform all necessary inspections and/or certifications required by codes and/or utility companies prior to the announced building possession data and the final connections of utility

9. Contractor shall notify utility authorities inspectors at least 72 hours before connecting to any existing line. Underground utilities shall be installed, inspected and approved prior to backfilling.

10. Sanitary sewer pipe shall be PVC SDR 35.

services. All fees shall be paid by the contractor.

11. Waterline: Unless otherwise required by local codes, waterlines that are for installation below grade and outside the building shall comply as follows: Pipe sizes 3-inch and smaller shall be PVC (SDR 21) meeting ASTM D 2241, with ASTM D 1784 material classification. Pipe sizes 4 to 16 inches shall be PVC, AWWA C900, rated DR 18 (class 150). Waterlines shall have a minimum of 42 inches of cover below finish grade, unless otherwise indicated on plans. PVC pipe and fittings shall be installed in accordance with AWWA C605. Ductile iron pipe and fittings shall be installed in accordance with AWWA C600.

12. Contractor shall provide all waterline tees, valves, bends, tapping sleeves, meters, meter pits, fire hydrants, etc. necessary to construct the waterlines as shown on these plans. Thrust blocking shall be provided at all tees, bends and fire hydrants.

13. All flared end sections shall be RCP or CMP. Flared end sections that are CPP will not be allowed. Connections must be soil tight.

14. Contractor shall obtain and follow installation requirements for storm sewer from pipe manufactures for each

type of piping material.

15. Contractor shall coordinate adjustments to existing utilities with appropriate utility company as work progresses. All costs shall be paid by the Contractor.

16. Utility Contractor shall be responsible for all taping and tie—in fees, as well as cost of service connections. Utility Contractor shall coordinate and schedule site inspections for all utility infrastructure improvements with authorities having jurisdiction prior to construction commencement and again prior to backfill placement. All required inspections shall be the responsibility of the contractor.

17. Unless indicated otherwise, all waterline and sanitary sewer crossings shall have a minimum 18 inch vertical separation and 10 feet horizontal separation. The Contractor shall note that the depths of existing utilities have been plotted from information provided by various utility companies and is to be considered approximate. If the minimum separations cannot be constructed as shown the Contractor shall notify BFA and appropriate modifications will be issued.

18. Verify location of all existing utilities to be crossed and identify potential conflicts prior to starting construction.

19. Location of site utilities shall be verified by General Contractor the proper utility company providing service.

20. General Contractor shall provide 2'x2'x8" thick concrete apron at all cleanouts, valves and meters. See Detail. 21. General Contractor will be responsible for all tap and tie on fees required, as well as cost of underground service connections to the building.

22. Contractor will be responsible for installing all 4" underground conduit from the electrical connection to the pad mounted transformer. Top of conduit shall be a minimum of 48" below finished grade, have a pull cord installed, and have no more than three (3) 90° bends. Contractor is also responsible for the wire from the pad mounted transformer to the building. Electric service connection shall be coordinated with Gardner Electric.

23. Thrust blocks shall be provided at all bends, tees, and fire hydrants.

24. Dimensions shown are to centerline of pipe or fitting

25. All fire hydrants shall be provided with an approved gate valve a maximum of 5'-0" from hydrant.

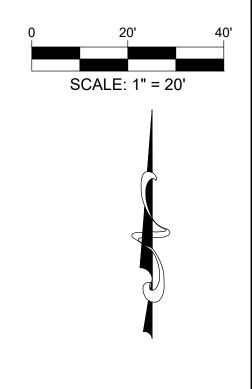
26. All trenching, pipe laying, and backfilling shall be in accordance with federal OSHA Regulations.

27. General Contractor shall have approval of all governing agencies having jurisdiction over utility infrastructure systems prior to installation.

28. All parking lot lighting poles and fixtures with lamps and paint will be provided by owner and installed by the Electrical Contractor. The Electrical Contractor shall provide owner a one—year warranty certificate. All incurred costs for receiving, storage, liability and warranty labor shall be included in the installation and contract price. Refer to architectural plans for location and layout of conduit and wiring.

29. Contractor is cautioned of existing underground and above ground utilities that will be crossed and/or that are in the vicinity of proposed improvements shown hereon. Contractor shall locate all existing utilities and shall provide temporary support for them, as needed, for the construction of the proposed site and utility infrastructure

30. The Contractor shall provide a line item cost for irrigation to landscaping and lawns in their Design Build pricing. Contractor shall verify with the Developer prior to construction to confirm installation. The Contractor shall coordinate with water service provider for separate water meter for landscape/irrigation.





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> CHECKED DATE 06/09/21 SCALE 1"=20' JOB No. 6637

SHEET NAME UTILITY PLAN UT-1

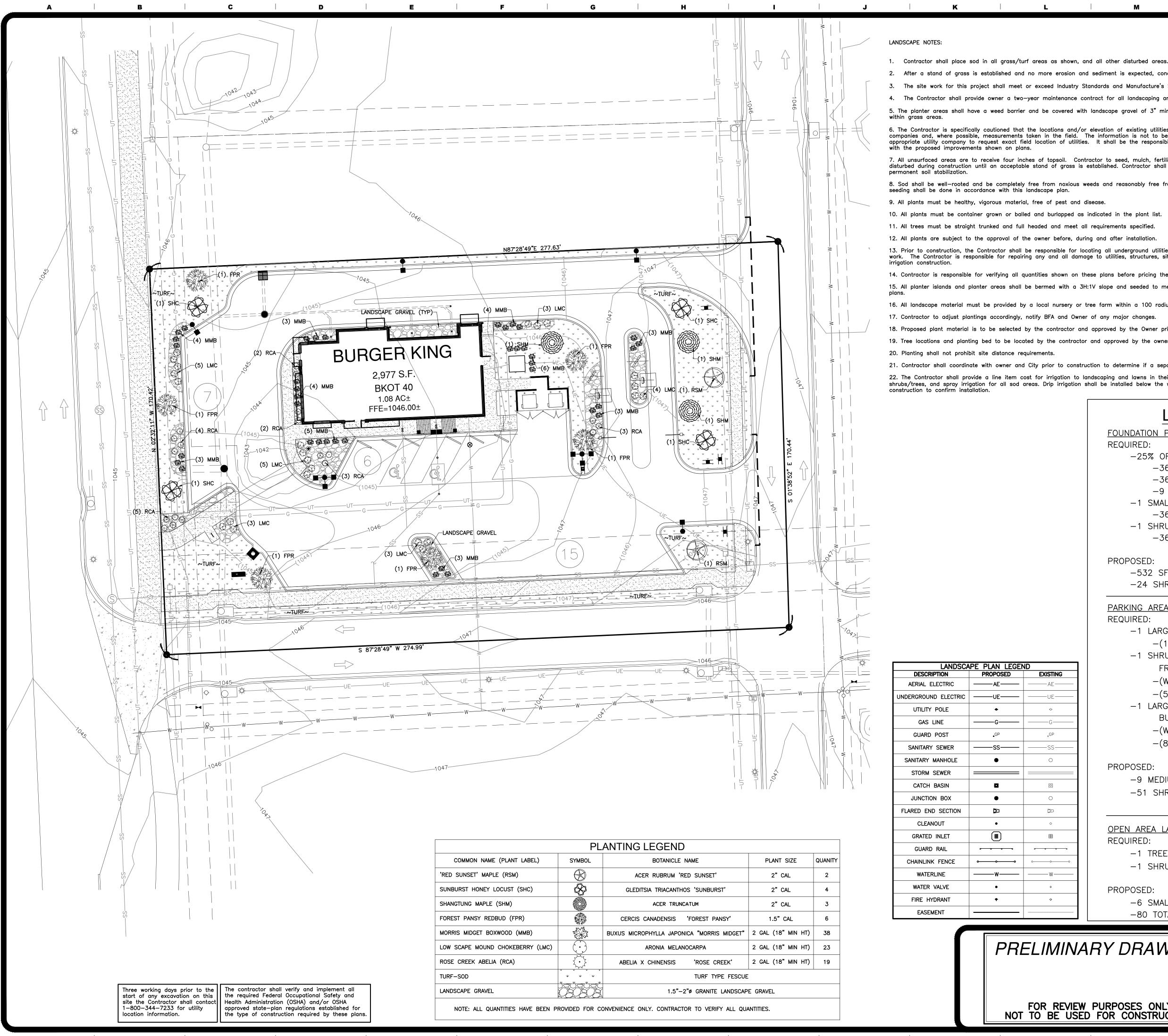
PRELIMINARY DRAWING

FOR REVIEW PURPOSES ONLY

NOT TO BE USED FOR CONSTRUCTION

103 ELM STREET WASHINGTON, MISSOURI 63090

TELEPHONE: (636) 239-475



LANDSCAPE NOTES:

- LANDSCAPE PLAN
- 2. After a stand of grass is established and no more erosion and sediment is expected, concrete swales shall be cleaned out.
- 3. The site work for this project shall meet or exceed Industry Standards and Manufacture's Specification for each improvement feature.
- 4. The Contractor shall provide owner a two-year maintenance contract for all landscaping and the irrigation system.

5. The planter areas shall have a weed barrier and be covered with landscape gravel of 3" minimum depth. A steel edging shall be used on all landscaped areas within grass areas.

6. The Contractor is specifically cautioned that the locations and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The Contractor must call the appropriate utility company to request exact field location of utilities. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on plans.

7. All unsurfaced areas are to receive four inches of topsoil. Contractor to seed, mulch, fertilize, water, and maintain all areas outside of paved areas that were disturbed during construction until an acceptable stand of grass is established. Contractor shall be responsible to take whatever means necessary to establish

8. Sod shall be well—rooted and be completely free from noxious weeds and reasonably free from other objectionable grasses, weeds, and stones. Sodding and seeding shall be done in accordance with this landscape plan.

- 9. All plants must be healthy, vigorous material, free of pest and disease.
- 10. All plants must be container grown or balled and burlapped as indicated in the plant list.
- 11. All trees must be straight trunked and full headed and meet all requirements specified.
- 12. All plants are subject to the approval of the owner before, during and after installation.
- 13. Prior to construction, the Contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. The Contractor is responsible for repairing any and all damage to utilities, structures, site appurtenances, etc which occurs as a result of the landscape and irrigation construction.
- 14. Contractor is responsible for verifying all quantities shown on these plans before pricing the work.
- 15. All planter islands and planter areas shall be bermed with a 3H:1V slope and seeded to meet the seeding specifications, unless otherwise indicated on these
- 16. All landscape material must be provided by a local nursery or tree farm within a 100 radius of site.
- 17. Contractor to adjust plantings accordingly, notify BFA and Owner of any major changes.
- 18. Proposed plant material is to be selected by the contractor and approved by the Owner prior to Construction.
- 19. Tree locations and planting bed to be located by the contractor and approved by the owner prior to installation.
- 20. Planting shall not prohibit site distance requirements.

LANDSCAPE PLAN LEGEND

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- 21. Contractor shall coordinate with owner and City prior to construction to determine if a separate irrigation water meter is needed.
- 22. The Contractor shall provide a line item cost for irrigation to landscaping and lawns in their Design Build pricing. Drip irrigation shall be provided for all shrubs/trees, and spray irrigation for all sod areas. Drip irrigation shall be installed below the weed barrier. Contractor shall verify with the Developer prior to construction to confirm installation.

LANDSCAPING DATA

FOUNDATION PLANTING

REQUIRED:

-25% OF STREET FACING FACADES AND AT LEAST 8 FT DEEP

- -36 LF OF STREET FACING FACADES
- $-36 \text{ LF } \times 25\% = 9 \text{ FT}$
- -9 FT X 8 FT DEEP = 72 SF OF FOUNDATION PLANTING
- -1 SMALL TREE FOR EVERY 40 LF OF FOUNDATION -36 LF OF FOUNDATION = 1 TREE
- -1 SHRUB FOR EVERY 10 LINEAR FEET OF FOUNDATION
 - -36 LF OF FOUNDATION = 4 SHRUBS

PROPOSED:

-532 SF OF FOUNDATION PLANTING

-24 SHRUBS

PARKING AREAS

REQUIRED:

- -1 LARGE OR MEDIUM TREE FOR EACH 40 SPACES
 - -(1 TREE)
- -1 SHRUB FOR EVERY 5 LF OF PERIMETER BUFFER ALONG
 - FRONTAGE/STREET SIDE
 - -(WEST = 78 LF; SOUTH = 176 LF)
 - -(51 SHRUBS)
- -1 LARGE OR MEDIUM TREE FOR EVERY 30 LF OF PERIMETER
 - -(WEST = 78 LF; SOUTH = 176 LF)-(8 MEDIUM/LARGE TREES)

PROPOSED:

- -9 MEDIUM/LARGE TREES
- -51 SHRUBS (DOES NOT INCLUDE THE 24 SHRUBS CREDITED TO FOUNDATION PLANTING)

OPEN AREA LANDSCAPING

- REQUIRED:
 - -1 TREE PER 10,000 SF (47,089 SF / 5 TREES)
 - -1 SHRUB PER 5,000 SF (47,089 SF / 10 SHRUBS)

PROPOSED:

- -6 SMALL/MEDIUM TREES
- -80 TOTAL SHRUBS PROPOSED ON SITE

PRELIMINARY DRAWING

FOR REVIEW PURPOSES ONLY NOT TO BE USED FOR CONSTRUCTION WASHINGTON, MISSOURI 63090

TELEPHONE: (636) 239-475

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SCALE: 1" = 20'

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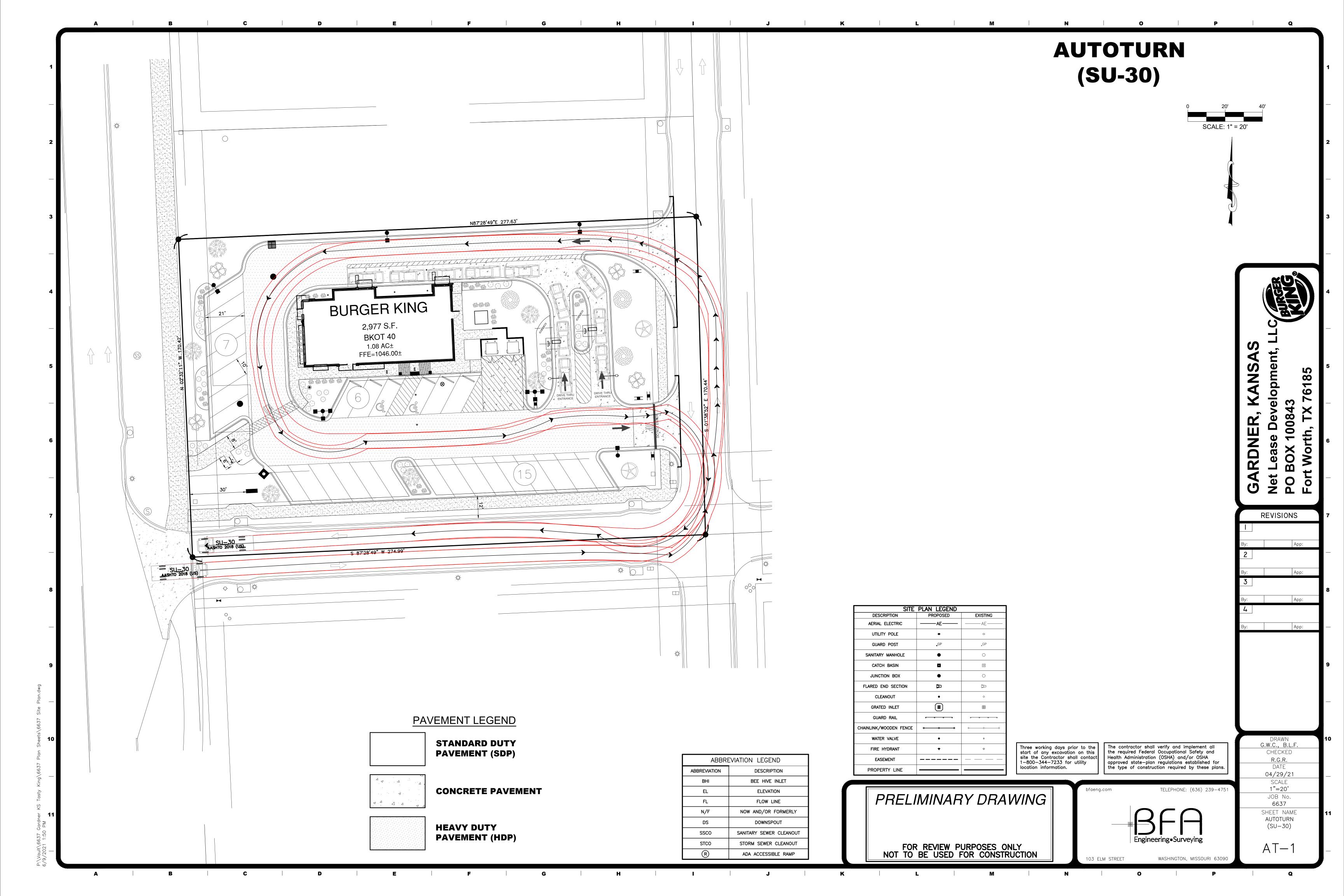
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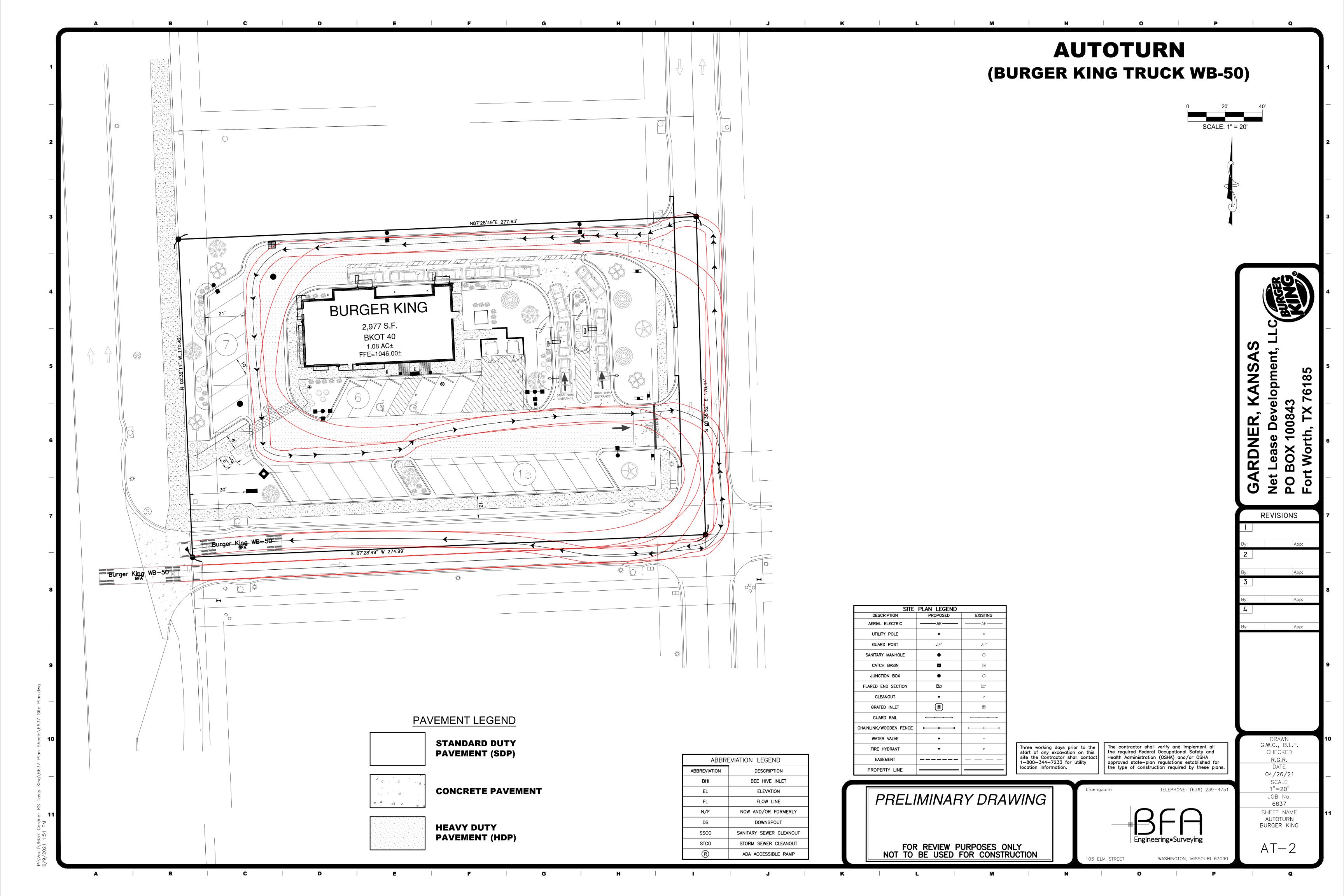
CHECKED DATE 06/09/21 SCALE

1"=20' JOB No. 6637

SHEET NAME LANDSCAPE PLAN

LP-







PLANNING COMMISSION STAFF REPORT NEW BUSINESS ITEM No. 2

MEETING DATE: JUNE 28, 2021

PREPARED BY: ROBERT CASE, PLANNER

PROJECT NUMBER / TITLE: FDP-21-05 Final Development Plan for Aspen Creek

PROCESS INFORMATION

Type of Request: Final Development Plan

Date Received: May 3, 2021

APPLICATION INFORMATION

Applicant: Phelps Engineering, Inc., Judd D. Claussen, PE

Owner: Aspen Creek, LLC Parcel ID: CF221436-1005

Location: At located at the terminus of 186th Street and Canton Street approximately 2000' east

of Gardner Road.

REQUESTED ACTION

The applicant is requesting approval of the final development plan for Aspen Creek (property includes both Aspen Creek V and Meadows of Aspen Creek II plats). The plan includes 33 duplex lots and 56 single-family residential lots on 33.6 acres.

EXISTING ZONING AND LAND USE

Currently the property is zoned RP-4, (Mixed Density Planned Neighborhood) District for a compact duplex development and R-1 (Single Family Residential) District. The rezoning for Meadows of Aspen Creek II was adopted by the Governing Body at its April 19th, 2021 meeting. The property is currently not platted and is unimproved. The development will be accessed from existing collector streets 186th Street and Canton Street, along with connections to several local street stubs (185th Street and 184th Terrace).

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)	
North of subject property		
R-1 Single-Family Residential District	Vacant land / Proposed single-family homes in future Aspen Creek subdivision	
East of subject property		
C-3 (Commercial) District	Vacant land	
South of subject property		
C-3 (Commercial) District	Vacant land	
West of subject property		
R-2 (Two-family) District	Meadows of Aspen Creek duplex development	

EXISTING CONDITIONS

The property is currently not platted and is unimproved. The development will be accessed from existing collector streets 186th Street and Canton Street. All utilities are available to the subject parcel.



BACKGROUND / HISTORY

The property was part of a 158 acre annexation presented to the Council on April 1, 1996 per Ordinance 1834 and rezoned to R-1 (Single-family) District (Z-96-02l) on June 17, 1996. The property was then rezoned (Z-01-08) (Ord. 1993) from R-1 (Single-family) District to R-2 (Planned Urban Development) District on June 18, 2001. On April 19, 2021 the southern portion of the property was rezoned (Ord. 2699) from R-2 (Two-family) District to RP-4 (Mixed Density Neighborhood) District.

CONSISTENCY WITH COMPREHENSIVE PLAN

This site is included in the *I-35* & Gardner Road Interchange Subarea Plan ("Subarea Plan"), which was adopted by reference as part of the City of Gardner 2014 Comprehensive Plan by the Governing Body on June 20, 2016 (Ordinance No. 2517) to set specific goals and policies relating to development in portions of the City of Gardner, and areas within Gardner Township considered for future annexation.

The City of Gardner Comprehensive Plan identifies the Aspen Creek V parcel for low-density residential future land use, described as "areas primarily consist of detached single family and duplex housing. The plat is consistent with the comprehensive plan. The City of Gardner Comprehensive Plan identifies the Meadows parcel for medium-density residential per the applicable sub-area plan, which is intended to take the form of small lot, detached or attached,

cluster type housing, or small scale multi-family structures, such as two-story, 4-6 plexes, rather than large-scale apartment type developments with an emphasis on walkability.

STAFF ANALYSIS - FINAL DEVELOPMENT PLAN

This application is being reviewed per the site plan and design review process of Section 17.03.060 of the Gardner LDC.

17.03.040 (F) Review Criteria:

- 1. In general, any final development plan in compliance with all requirements of this Code shall be approved.
 - **Staff Comment:** The final development plan is generally in compliance with the Gardner LDC, with the exception of the approved deviations from the preliminary development plan.
- 2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
 - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.
 - **Staff Comment:** The sites are capable of accommodating the buildings and other design elements required without negatively impacting adjacent property.
 - b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.
 - **Staff Comment:** The design and arrangement of the buildings and open space is consistent with good design, principles, and practices. The site includes features and amenities that establish a built relationship with adjacent properties and the public realm.
 - c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.
 - **Staff Comment:** The applicant is proposing architecture and building design using quality materials with styles appropriate for the context of the development. Example home images have been attached at the end of the document.
 - d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.
 - **Staff Comment**: The overall design of the buildings are compatible to the context of the surrounding properties.
 - e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.
 - **Staff Comment:** No additional site-specific conditions are necessary to meet the intent and design objectives of the applicable development standards.
- 3. The application meets the criteria for all other reviews needed to build the project as proposed.
 - **Staff Comment:** The applicant is required to record the final plat and submit and receive approval the public improvement plans prior to construction.
- 4. The recommendations of professional staff.
 - **Staff Comment:** Staff recommends approval of the final development plan for the Aspen Creek, with conditions outlined below.

5. The final development plan is in substantial compliance with the approved preliminary development plan.

Staff Comment: The final development plan is in substantial compliance with the approved preliminary development plan.

STAFF ANALYSIS - INFRASTRUCTURE / OTHER

ELECTRIC -

Electric utilities will be provided to the property by the City.

WATER -

The City of Gardner is the water provider in this area. Existing water lines will be extended throughout this development from existing water lines from the north and west. All new water lines will be extended to the furthest extents of this development for future connectivity.

SANITARY SEWER -

Sanitary sewer will be provided by the City of Gardner. Again, sewer lines will be extended from existing sanitary lines from the adjacent developments and extended to the furthest extents of this proposed development.

STORM SEWER -

The Storm Water Management plan has been approved by the Public Works Department.

ROADWAY NETWORK & VEHICULAR ACCESS -

The applicant is planning to extend Canton, 184th, 185th, and 186th Streets throughout this proposed development. Two stub streets off of the east end of 185th and 186th Streets will be constructed for future connectivity.

SIDEWALKS -

The Neighborhood Local street design requires a 5' sidewalk along both sides of the street.

ATTACHMENTS

- I. Final development plan document
- II. Home Elevations
- III. Landscape Plan

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

- 1. Approve the application.
- 2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
- 3. Deny the application.
- 4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

GARDNER PLANNING COMMISSION FDP-21-05 Aspen Creek June 28, 2021 Page 5

EFFECT OF DECISION

Final Development Plan – Approval of a final development plan shall authorize the applicant to apply for a building permit and other applicable permits. The Director may approve minor amendments to approved final development plans without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative site plan, or any change that is different from any condition of approval of the final development plan.

RECOMMENDATION - FINAL DEVELOPMENT PLAN

Staff recommends approval of the final development plan for Aspen Creek in the Recommended Motion below.

Recommended Motion:

After review of application FDP-21-05, a final development plan for Aspen Creek, May 3, 2021, and staff report dated June 28, 2021, the Planning Commission approves the application provided the following conditions are met:

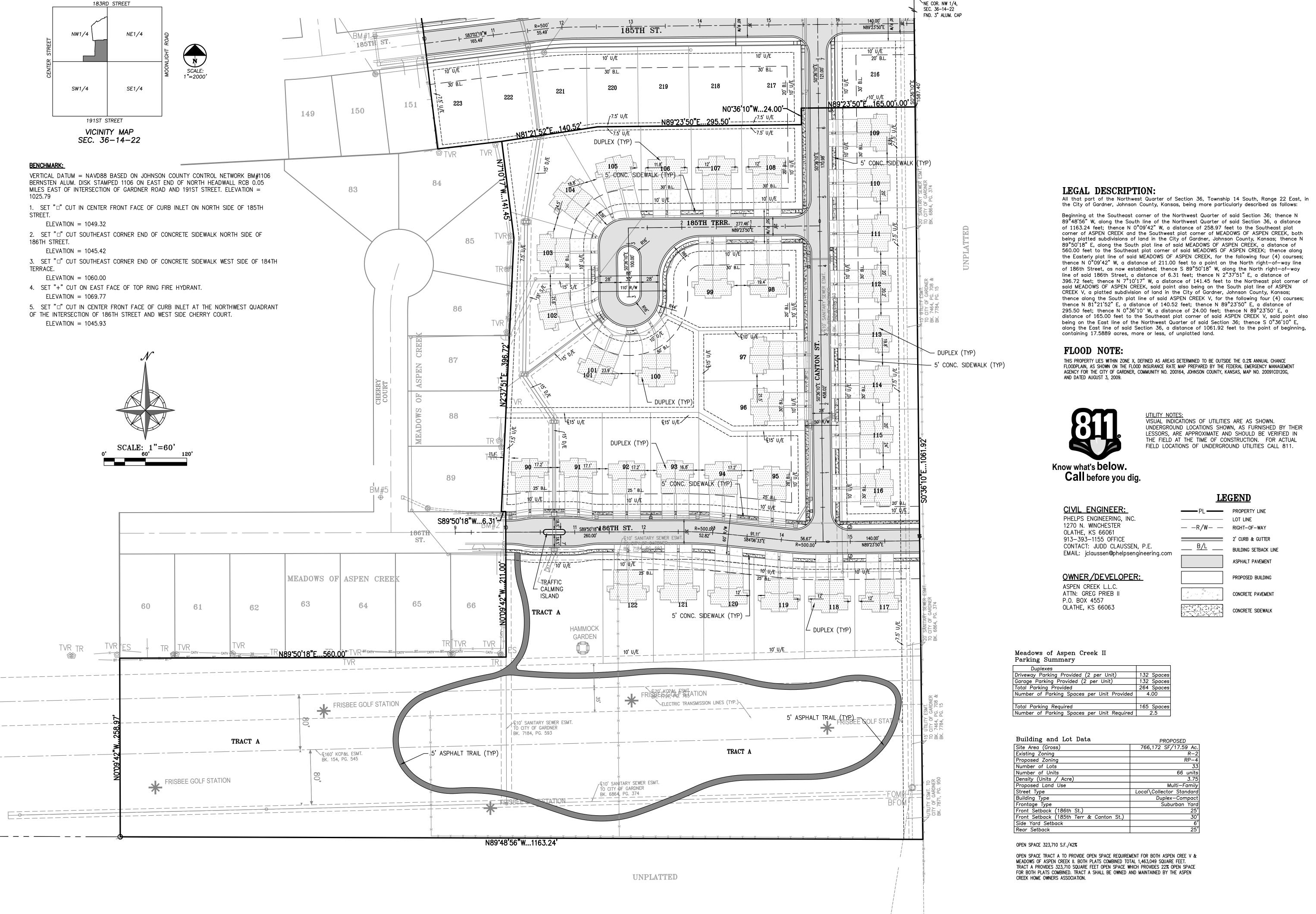
- 1. The final plat shall be recorded with the Johnson County Records and Tax Administration prior to the issuance of building permits; and
- 2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit.



OVERALL

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1ELP\$ ENGINEERING, INC. 1270 N. Winchester Olathe, Kansas 66061 (913) 393-1155 Fax (913) 393-1166

> PLANNING ENGINEERING IMPLEMENTATION

PLAN

& ASPEN CREEK VISAS

VS OF ASPEN CREEK II & A GARDNER, KANSAS FINAL DEVELOPMENT PL

By App.

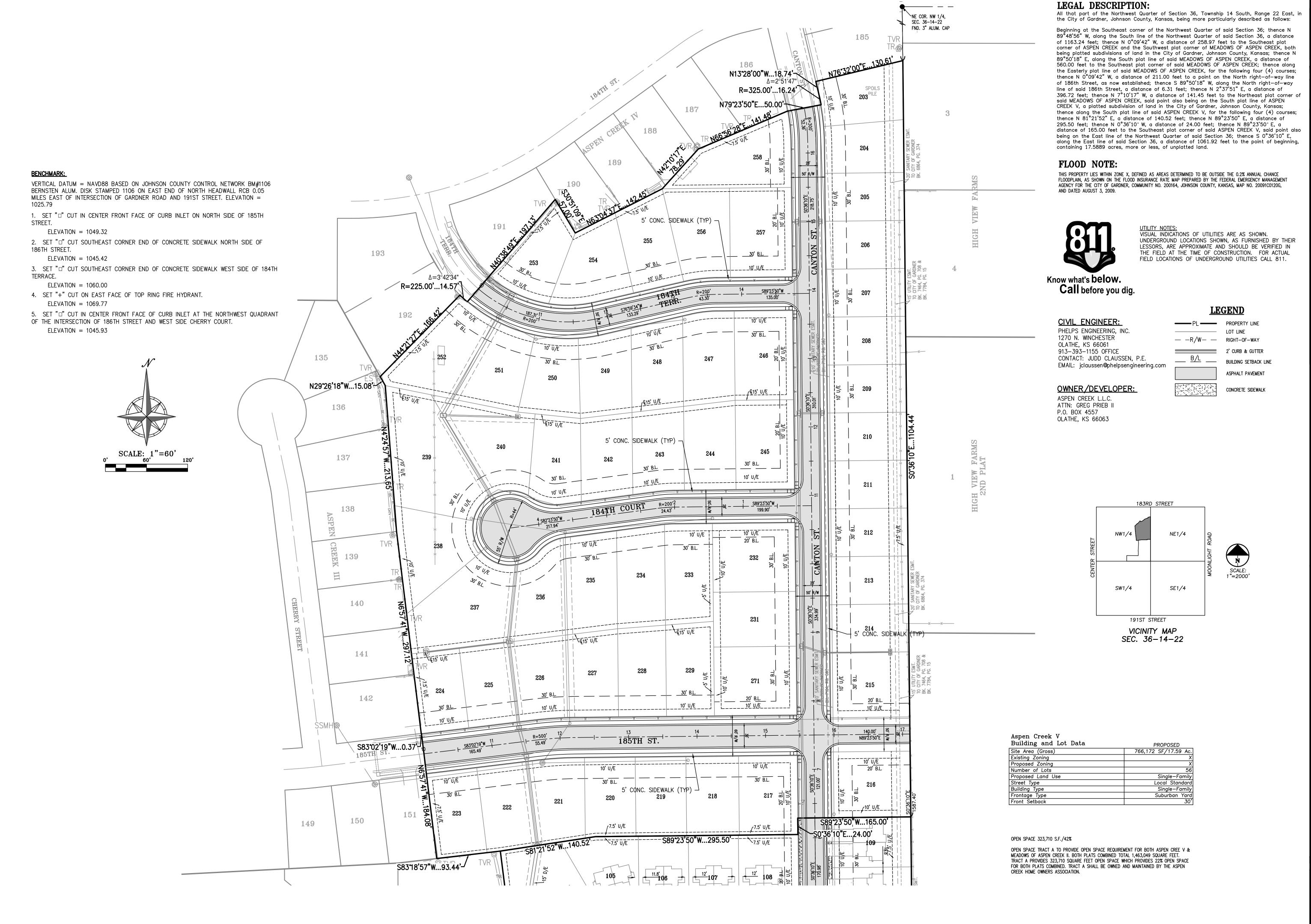
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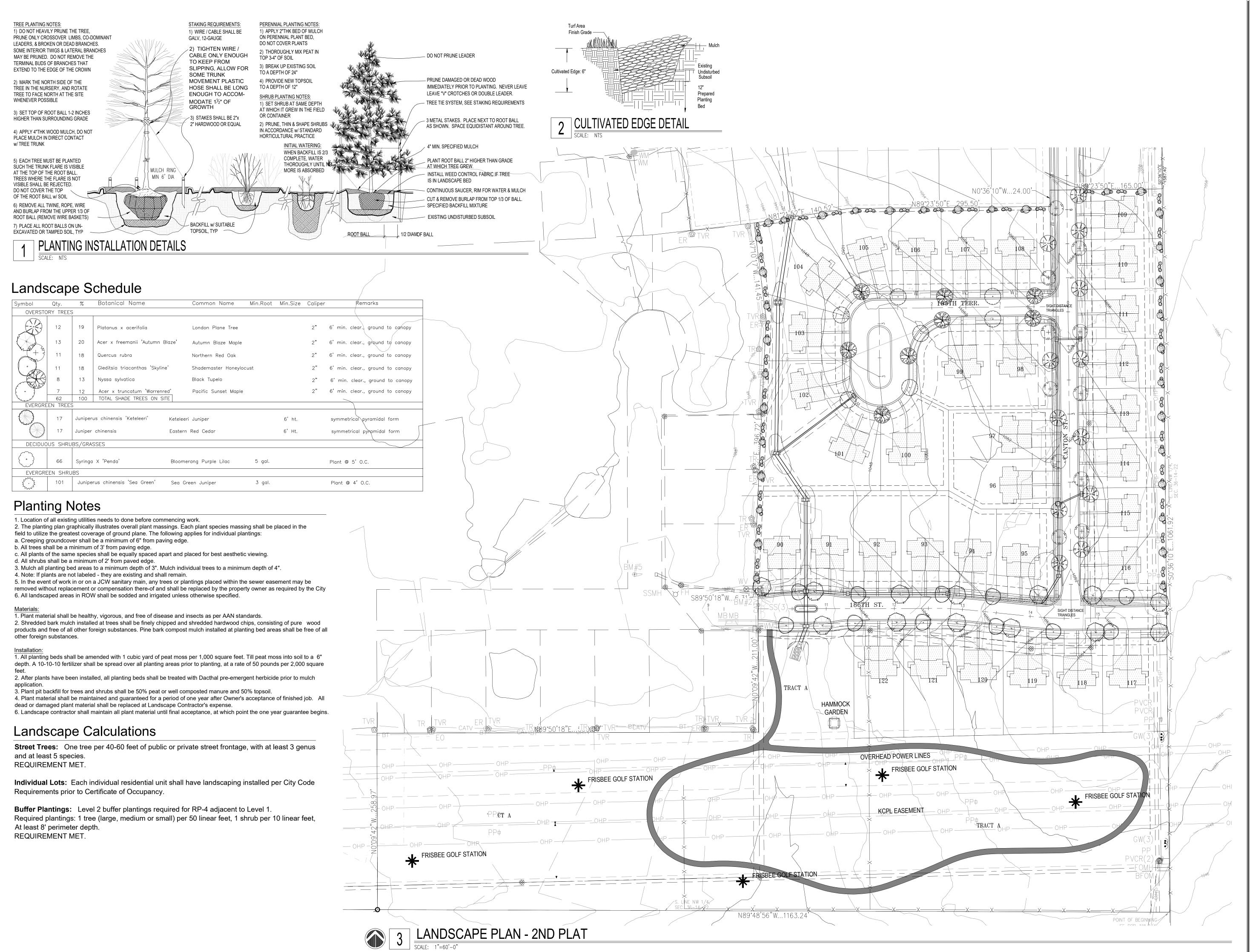
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CERTIFICATE OF AUTHORIZATION
KANSAS
LAND SURVEYING – LS-82
ENGINEERING – E-391
CERTIFICATE OF AUTHORIZATION
MISSOURI
LAND SURVEYING-2007001128

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LANDSCAPE ARCHITECTURE 15245 Metcalf Ave. Overland Park, KS 66223 913.787.2817



CLIENT

Prieb Development 651 N Somerset Terrace, Olathe, KS 66062

PROJECT

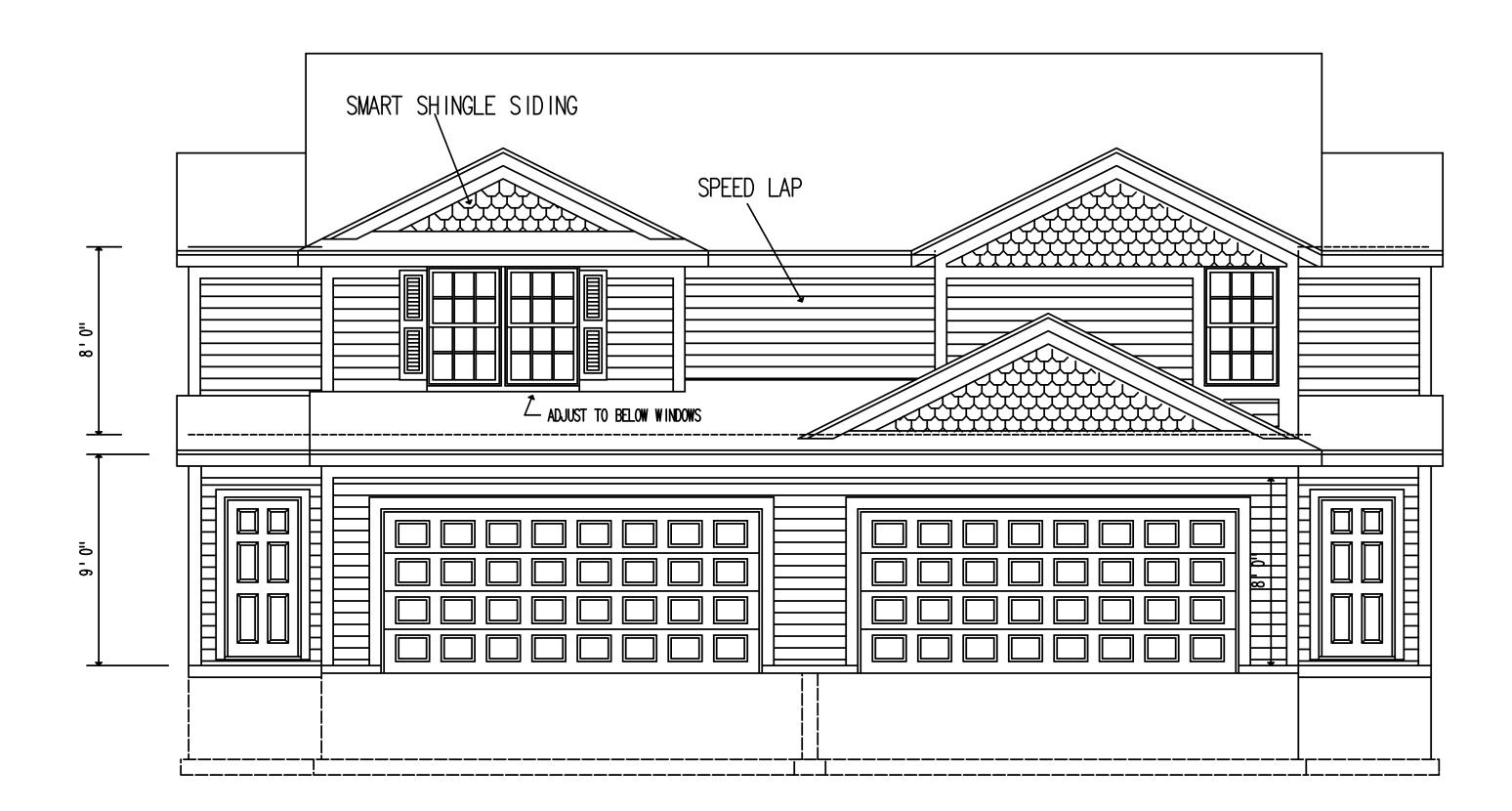
Aspen Creek 2nd Plat 186th and Canton St. Gardner, KS

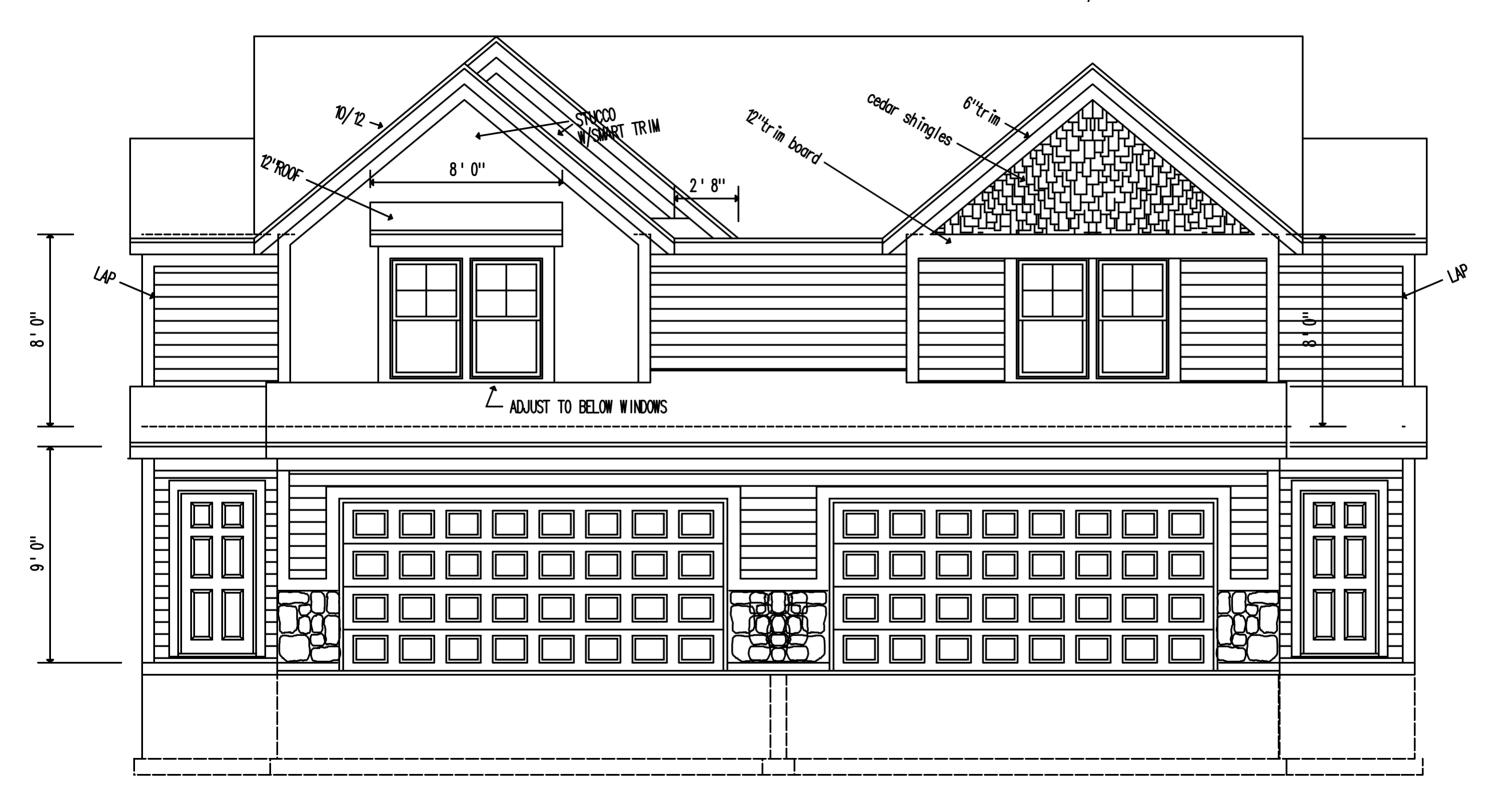
SCALE: 1"=60' NORTH

0 60 120 18

Date: 5.25.2021 Project #: 669 Landscape Plan







FRONT VIEW 1/4"=1'0"

